

# **UTAH APPRAISER LICENSING AND CERTIFICATION BOARD**

Heber M. Wells Building

Room 210

9:00 a.m.

September 23, 2015

Telephone Meeting

## **MINUTES**

### **DIVISION STAFF PRESENT:**

Jonathan Stewart, Division Director  
Mark Fagergren, Education and Licensing Director  
Jeffery Nielsen, Chief Investigator  
Justin Barney, Hearing Officer  
Renda Christensen, Board Secretary  
Elizabeth Harris, Assistant Attorney General  
Theron Case, Investigator  
Craig Livingston, Investigator  
Jim Bolton, Investigator

### **BOARD MEMBERS PRESENT:**

John E. Ulibarri, Chair  
Kristin Coleman-Nicholl, Vice Chair  
Daniel Brammer, Board Member  
Paul W. Throndsen, Board Member  
Jim Bringhurst, Board Member

The September 23, 2015 meeting of the Appraiser Licensing and Certification Board began at 9:00 a.m. with Chair Ulibarri conducting.

### **PLANNING AND ADMINISTRATIVE MATTERS**

Approval of Minutes - A motion was made and seconded to approve the minutes as written from August 26, 2015 meeting as written. Vote: Chair Ulibarri, yes; Vice Chair Coleman-Nicholl, yes; Board Member Brammer, yes; Board Member Throndsen, yes; Board Member Bringhurst, yes. The motion carries.

Public Comment Period – No public attended the meeting today.

### **DIVISION REPORT**

#### **DIRECTOR'S REPORT – Jonathan Stewart**

Director Stewart reported on possible statutory changes. The Division met with Jared Preisler and Craig Morley. One of the topics discussed involved the amount of time given to an appraiser to complete an assignment. The Division discussed this issue internally and considered possibly adding to statute language requiring the appraiser be allowed a reasonable amount of time to complete a credible assignment; also adding to

statute language regarding removing appraiser from a panel. The Board discussed the merits of this proposal.

Board Member Coleman would like the statute to state business days. Mr. Nielsen asserts using the phrase “reasonable amount of days” prevents any confusion over business vs calendar days. Chair Ulibarri is concerned over who would be the arbiter of what is a reasonable time period. Director Stewart stated the Division would only investigate if a complaint was presented to the Division.

Director Stewart proposed the possibility of requiring AMCs to only have one panel; or the possibility of requiring AMCs if the appraiser is moved to a different panel or tier. Director Stewart prefers the one panel option. Mr. Nielsen believes this issue is already covered in the statute but is more ambiguous. The Board agrees there should be one panel. The rule now does require AMCs to notify appraiser in writing when taken off panel including the nature of the violation, with reasonable time for appraiser to respond.

Director Stewart discussed “Customary and Reasonable Fees.” The final rule that was filed in June appears to require states to enforce customary and reasonable fees. In 2012, Dodd Frank had not given the Division statutory authority to enforce customary and reasonable fees. However, Judith Jensen will review the new rule and determine if the Division now will be able to enforce that. Director Stewart will update the Board at a later date.

Director Stewart discussed Tax Appeals. In 2012, a bill was passed by legislature where the intent of the bill allowed appraisers to “remove their appraiser hat” and advocate for someone in a tax appeal as long as they were not identifying themselves as an appraiser and as long as they were not giving an opinion of value. This was Representative Froer’s assertion of the committee on that bill’s intent. Craig Morley agreed. Jared Preisler asserted that was not the intent of the committee on that bill. The Division would like to get the Board and the Industry’s opinion on what this bill should be. The Board discussed the merits of this bill.

Chair Ulibarri is excusing himself. Vice Chair Coleman is now conducting the meeting.

#### **ENFORCEMENT REPORT – Jeffery Nielsen**

Mr. Nielsen reported in August the Division received 3 complaints; opened 2 new cases; close 3 case; leaving 40 appraisal cases open with the Division. There are a total of 17 cases are now with the AG's office;

There are no stipulations for review this month.

#### **EDUCATION AND LICENSING REPORT – Mark Fagergren**

Mr. Fagergren announced the Instructor Development Workshop which will be held October 14-15 at the Park City Marriott. Deborah Long will be the key-note speaker. The IDW is not required for Continuing Education Instructors, but is required for Pre-License Instructors once every two years. Board Members Brammer and Throndsen will be attending.

Mr. Fagergren submitted the following lists to the Board for their review:

Certified and Licensed Appraiser Applicants Approved by both Education and Experience Review Committees:

Daniel Roger Kennard, LA Candidate

Bessy Nielson, CR Candidate

Disciplinary List

Melvin Samuel Mitchell, Reciprocal Certified Residential Application

Valuation Information Technology (Daniel Hackman), AMC/Main Control Person Renewal

**COMMISSION AND INDUSTRY ISSUES**

**Rule Updates – Justin Barney**

Mr. Barney the rule amendment is now in the public comment period. No public comment has yet been received. The earliest effective date for this rule would be October 8, 2015. A motion was made to accept the rule as written and make effective on October 8, 2015 if no public comments are received. Vote: Vice Chair Coleman-Nicholl, yes; Board Member Brammer, yes; Board Member Thronsdon, yes; Board Member Bringhurst, yes. The motion passes.

A motion was made to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Vote: Vice Chair Coleman-Nicholl, yes; Board Member Brammer, yes; Board Member Thronsdon, yes; Board Member Bringhurst, yes. The motion passes.

**CLOSED TO PUBLIC**

An Executive Session was held from approximately 9:57 a.m. to 10:06 a.m.

**OPEN TO PUBLIC**

**RESULTS OF DELIBERATIONS**

Certified and Licensed Appraiser Applicants Approved by both Education and Experience Review Committees:

Daniel Roger Kennard, LA Candidate – Approved

Bessy Nielson, CR Candidate – Approved

Disciplinary List

Melvin Samuel Mitchell, Reciprocal Certified Residential Application – Approved

Valuation Information Technology (Daniel Hackman), AMC/Main Control Person Renewal – Approved

A motion was made to adjourn the meeting. Vote: Vice Chair Coleman-Nicholl, yes; Board Member Brammer, yes; Board Member Thronsdon, yes; Board Member

Bringhurst, yes. The motion passes. The meeting adjourned at approximately 10:08 a.m.